

### **REMARKS**

This responds to the Office Action mailed on January 26, 2005.

Claims 1, 11, and 22 are amended. Claims 1-23 are now pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-23 were rejected under 35 USC § 103(a) as being unpatentable over Gordon (U.S. 6,558,264) in view of Blair et al. (U.S. 5,462,505).

#### **Claims 1-5**

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner and since, even if combined, the combination does not include each limitation recited in the claim.

For instance, Applicant cannot find in the combination: a first inflatable section, a second inflatable section attached to a first side of the first inflatable section, and a third inflatable section attached to a second side of the first inflatable section, “wherein the second inflatable section and the third inflatable section are configured such that if the airflow is stopped the second inflatable section and the third inflatable section will not deflate as fast as the first inflatable section, wherein the second inflatable section and the third inflatable section provide support to the first inflatable section when the airflow is stopped,” as recited in claim 1.

Moreover, the Examiner again asserts that “it would have been obvious to provide the apparatus of Gordon with a blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.” (Page 3 of Office Action). Applicant traverses since the Gordon reference teaches away from such a modification. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994)

Here, the Gordon reference discusses an inflatable wedge for use with a water slide. The wedge is used by a child or adult running and jumping onto the wedge and sliding down the

wedge onto a water slide. (Abstract). The wedge is described as a plastic, air-tight member, being approximately forty to fifty inches wide, six to nine feet long, and thirty to thirty-six inches high. (Col. 3, lines 19-23). Such an air-tight plastic wedge of about 3 feet high would not work with a continually running blower, as recited in the claim. If such a blower were attached to the Gordon device, the air-tight plastic wedge would explode. The Gordon device is inflated and kept inflated by filling chambers with air and closing off a valve trapping the air.

An inflatable that utilizes a “continually running blower,” as claimed, needs continual airflow because it constantly leaks air and requires constant air to maintain the support system. In contrast, the Gordon device is a relatively small, airtight structure, with no need of a continual airflow, and not capable of receiving a continual airflow. Accordingly, the Gordon reference teaches away from being used with a “continually running blower,” as recited claim 1. Again, if such a blower were put on the Gordon device, the Gordon device would explode. This is not enhancing the safety for the user, as asserted by the Office Action.

Furthermore, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. As noted above, putting a continually running blower on the Gordon device would make it unsatisfactory for its intended purpose.

Claims 2-5 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claims 6-10

Applicant believes claim 6 is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the combination an apparatus including a first inflatable section including a slide having a height of at least 15 feet, wherein a second inflatable section is adapted to deflate more slowly than the first inflatable section when a source of airflow to the inflatable unit is interrupted or stopped such that the slide is supported by the second inflatable section.

The Office Action asserts that the height of the slide, as claimed, is a mere design choice and states that “Gordon disclosed that the inflatable wedge may be used by adults (see Abstract).

Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.” (Page 3 of Office Action). However, Applicant notes that the recited limitation recites “a slide having a height of at least 15 feet.” Gordon is described as being used by a child or adult running and jumping onto the wedge and sliding down the wedge onto a water slide. Not even an adult could jump onto a 15 foot water slide. Such a height is not contemplated or suggested by the Gordon reference and would not be within the mind of any designer as a design choice.

Claims 7-10 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

#### Claims 11-13

Applicant traverses the obviousness rejection of claim 11. Applicant believes claim 11 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

The Examiner asserts that “it would have been obvious to provide the apparatus of Gordon with a blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.” Applicant traverses. As discussed above, the Gordon device is an air-tight plastic wedge of about 3 feet high and would not work with a continually running blower. If such a blower were attached to the Gordon device, the air-tight plastic wedge would explode. The Gordon device is a relatively small, airtight structure, with no need of a continual airflow, and not capable of receiving a continual airflow. Accordingly, the Gordon reference teaches away from being used with a “continually running blower,” as recited claim 11. Again, if such a blower were put on the Gordon device, the Gordon device would explode.

Applicant has amended claim 11 to further clarify this distinction by reciting: “an inflatable structure of a type that constantly leaks air, the inflatable structure adapted to be supported by airflow of a continually running blower.”

Furthermore, Applicant believes that even if combined, the combination would not include means to at least temporarily support the inflatable structure at substantially its full height if the airflow into the inflatable structure is reduced to a level that does not support the

inflatable structure, as recited in claim 11. In contrast, in the Blair reference, the inner sections (90, 92) would, at most, support side chambers (18, 28). (FIG. 4). However, the side columns 14 would fall down if the airflow was stopped.

Claims 12-13 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 14-16

Applicant believes claim 14 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the Gordon device to explode.

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable structure having a first inflatable portion defining a slide having a height of at least 15 feet and a stairway extending to the top of the slide, as recited in claim 14. Again, Gordon teaches away from such a structure by describing a thirty to thirty-six inch wedge that is for being jumped upon. In no fashion does Gordon give a suggestion to be modified to a height of at least 15 feet. As noted above, the Office Action asserts that the height of the slide is a mere design choice and states that “Gordon disclosed that the inflatable wedge may be used by adults (see Abstract). Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.” (Page 3 of Office Action). However, Applicant notes that the recited limitation recites “a slide having a height of at least 15 feet.” Gordon is described as being used by a child or adult running and jumping onto the wedge and sliding down the wedge onto a water slide. Not even an adult could jump onto a 15 foot water slide. Such a height is not contemplated or suggested by the Gordon reference and would not be within the mind of any designer as a design choice.

Claims 15-16 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17-19

Applicant believes claim 17 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode.

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable section positioned and adapted to: a) remain inflated longer than the other inflatable section after airflow from the blower is interrupted, and b) provide support for the other inflatable section so as to support the other inflatable section up to substantially its full height even as the other inflatable section deflates, as recited in claim 17. Again, at most the Blair structure would only support chambers (18, 28) and not the side columns.

Claims 18-19 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 20-21

Applicant believes claim 20 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode.

Furthermore, Applicant believes that even if combined, the combination would not include supporting a first inflatable section of an inflatable amusement or advertising structure up to substantially its full height using a second inflatable section adapted to deflate more slowly than the first inflatable section when a source of continual airflow to the inflatable structure is interrupted or stopped, as recited in claim 20.

Claim 21 includes all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 22-23

Applicant has amended claim 22 to better describe the subject matter recited in the claim. Applicant believes claim 22 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner, and even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the combination: “inflating an inflatable slide structure to a height of at least 15 feet with an airflow from a continually running blower,” or “temporarily supporting the inflatable slide structure at substantially a full height of the slide structure if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure,” as recited in claim 22.

Moreover, as noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the air-tight Gordon device to explode.

Claim 23 include all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

ROBERT FIELD ET AL.

By their Representatives,

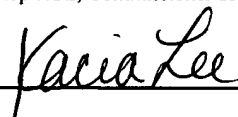
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of July, 2005.

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